

FINAL STATEMENT OF REASONS

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations only impact licensees that make the business decision to admit the clients which would require these regulatory provisions. There is no requirement for licensees to work with clients that present behavioral issues.

Following the public hearing it was discovered that the wrong Local Mandate Statement was used as the implementation of these regulations do not impose a mandate on local agencies and therefore it should read as follows:

These regulations do not impose a mandate on local agencies. There are no state-mandated local costs in this order that require reimbursement under the laws of California. Implementation of the regulations only impact licensees that make the business decision to admit the clients which would require these regulatory provisions. There is no requirement for licensees to work with clients that present behavioral issues.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives because the Legislature, through the above mentioned bills, mandate the Departments oversight of these facilities and no alternatives were proposed.

The CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the licensees that make the business decision to serve clients who present behavioral issues. There is no requirement for licensees to work with clients who present behavioral issues.

The provisions specific to the use of secured perimeters are focused on the client protections and the established fire clearance requirements that a Licensee must ensure in order to establish secured perimeters around a facility. In addition, the requirement of a Licensee obtaining Department approval for the secured perimeter is not a new process, but part of the same plan of operation process that is required already for all Licensees of community care facilities. Essentially, these provisions do not require a Licensee to build a secured perimeter around their facility and therefore there are no associated costs to the provisions established in this regulation package on secured perimeters.

The provisions specific to the use of emergency interventions also do not have an associated cost as the focus is on client protections, ensuring safe practices, requiring specific details in emergency intervention documentation and reports to the standard record keeping processes and training specific to emergency intervention. The training required for these regulations is already required for ARFs that serve developmentally disabled clients per Section 4684.86 of the Welfare and Institutions Code. In addition, the emergency intervention training provisions are a pre-existing requirement for all ARFs per Section 1180 of the Health and Safety Code. Essentially the proposed regulations on emergency intervention simply centralize and make more specific the existing requirements for ARFs into the Title 22 regulations, which create ease of use for the Department and the public, but do not create any new costs to Licensees that may choose to implement emergency intervention plans.

Lastly, for the provisions specific to Enhanced Behavioral Supports Homes, any new costs specific to this subcategory of ARFs are being covered by DDS as established in their Title 17, Section 59072 regulations on rates. Rates established by DDS will offset any increase in expenses a Licensee incurs as a result of operating an Enhanced Behavioral Supports Home. The provisions in these Title 22 regulations do not create any new cost outside of what has been created by the Title 17 regulations and therefore have no adverse economic impact on the businesses.

i) Testimony and Response

These regulations were considered at the public hearing held on April 19, 2017 in Sacramento, California. No oral or written testimony was received during the 45-day comment period from March 3 to April 19, 2017 and no further amendments to the emergency regulations are proposed.

j) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice was made available to the public following the public hearing to correct the Local Mandate Statement which wrongly stated the "regulations do impose a mandate upon local agencies" when in fact they do not impose a mandate on local agencies. No written testimony on the modifications renoticed for public comment from June 27 to July 12, 2017 was received.